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UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
First session
Kingston, Jamaica
15 March to 8 April 1983

STATEMENT BY THE ACTING CHAIRMAN OF THE PREPARATORY COMMISSION

Following very detailed consultations with all the regional groups, I am in a position to state that the Preparatory Commission is ready to elect its Chairman by acclamation and simultaneously endorse a consensus statement of understanding on the structure of the Preparatory Commission, the composition of its General Committee and the bureaux of all its organs, the allocation of the functions to its organs and the specific posts in the bureaux and the taking of decisions. This consensus statement of understanding will constitute the basic framework within which the rules of procedure will be adopted and the Preparatory Commission will organize its work.

It is the understanding that further elaboration of this basic framework will be taken up as the first item of business at the resumed session of the Preparatory Commission and that substantive work will not begin until these matters are resolved by consensus. It is also the understanding that the elaboration of this basic framework should be completed by the end of the second week of the resumed session.

Consensus statement of understanding

The consensus statement of understanding referred to is as follows:

1. The structure of the Preparatory Commission should consist of the Plenary, as the principal organ, and Special Commissions enjoying equal status. The

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Special Commissions shall be open to all signatories in accordance with paragraph 2 of resolution I. The Special Commissions will report to the Plenary.

2. The Special Commissions and the Plenary will deal with the following matters, as allocated:

(1) The rules, regulations and procedures on administrative financial and budgetary matters pertaining to the various organs of the Authority (para. 5 (g) of resolution I).

(2) The measures necessary for the early entry into effective operation of the Enterprise (para. 8 of resolution I).

(3) The problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area (paras. 5 (i) and 9 of resolution I).

(4) The rules, regulations and procedures for the exploration and exploitation of the Area (Annex III and other related provisions of the Convention).

(5) The implementation of resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules.

(6) The practical arrangements for the establishment of the International Tribunal for the Law of the Sea (para. 10 of resolution I).

3. The Plenary, in addition to the matters specifically allocated to it, will also deal with any other residual functions not specifically allocated. The Plenary will deal with the examination and adoption of the reports of the Special Commissions.

4. When adopting its rules of procedure as provided for in paragraph 4 of resolution I, the Preparatory Commission shall ensure that all decisions which in the Convention require consensus, including decisions requiring consensus under articles 160.2 (e), 161 and 162 and Annex IV, article 11 (3), shall also require consensus in the Preparatory Commission. This does not preclude the possibility of the Preparatory Commission deciding that other matters of substance may also be decided by consensus.

5. The Preparatory Commission will adopt, by consensus, the rules and procedures for the implementation of resolution II and the establishment of adequate machinery to administer the régime for the protection of pioneer investors.

6. The bureaux of all the organs of the Preparatory Commission shall be established with due regard to the practice in the United Nations General Assembly and the Third United Nations Conference on the Law of the Sea and the need for each regional group to be represented in all the bureaux of all the organs of the Preparatory Commission by at least one member. The General Committee shall consist of the

Chairman of the Preparatory Commission and the other members of the Bureau of the Plenary as well as all the members of the Bureaux of the Special Commissions, elected on the basis of equitable geographical representation.

7. It is also understood that this consensus statement of understanding is without prejudice to the allocation of functions to the different organs of the Preparatory Commission and the specific posts in the bureaux of the plenary and the special commissions, all of which shall be subject matters to be negotiated and agreed upon by all the regional groups taking into account the views expressed by all the regional groups on these subjects.

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Preparatory Commission for the
International Sea-Bed Authority
and for the International
Tribunal for the Law of the Sea
First session
Kingston, Jamaica
15 March to 8 April 1983

LETTER DATED 6 APRIL 1983 FROM THE CHAIRMAN OF THE USSR DELEGATION ADDRESSED TO THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

The delegation of the USSR to the first session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea hereby transmits to the Commission the following information provided for in paragraph 5 (a) of resolution II.

Intending to apply to the Preparatory Commission, as soon as it begins to function in accordance with paragraph 2 of resolution II on behalf of the Soviet enterprise for registration as a pioneer investor, immediately after signing the Convention on 10 December 1982 the Soviet Union, as a certifying State, initiated the efforts provided for in paragraph 5 of resolution II for the most expeditious resolution of possible conflicts with respect to overlapping claims.

However the absence in resolution II of any provisions concerning reciprocal obligations of certifying States regarding the exchange of co-ordinates of areas for the purpose of determining the existence of conflicts has thus far precluded the possibility of initiating negotiations with other certifying States on the resolution of such conflicts.

The delegation of the USSR requests that the Preparatory Commission take into account the above information and notify all the other certifying States of the readiness of the Soviet enterprise to make such application and, to that end, forthwith to begin to exchange co-ordinates of areas with them and begin negotiations on the resolution of possible conflicts concerning the boundaries of such areas.

Should the Preparatory Commission not receive due notification from interested certifying States of their readiness by 1 May 1983 to exchange co-ordinates of areas and initiate negotiations on the resolution of the aforesaid conflicts, the USSR will consider that it has fully complied with the provisions of paragraph 5 (a) of resolution II, that no conflict has arisen and that the Soviet enterprise, in accordance with the application to be submitted by the USSR on its behalf to the Preparatory Commission on 1 May 1983 will be registered as the first pioneer investor.

The Soviet Union also assumes that all certifying States which by 1 May 1983 send such notifications to the Preparatory Commission, their enterprises or companies will, after the resolution of any conflicts that may arise, be registered as pioneer investors, that they will be allocated pioneer areas in pursuance of their applications and that these areas will in future be considered areas 'previously allocated as pioneer areas' as specified in paragraph 5 (a) of resolution II.

The USSR delegation requests that this letter be circulated as an official document of the Preparatory Commission.

(Signed) I. K. KOLOSSOVSKY
Chairman of the USSR delegation to the
first session of the Preparatory
Commission for the International
Sea-Bed Authority and for the
International Tribunal for the Law
of the Sea